



Town of Johnstown

BOARD OF ADJUSTMENT AND PLANNING & ZONING COMMISSION MEETING

7:00 PM, Wednesday, September 29, 2021

BOARD OF ADJUSTMENT AGENDA

- I. Call to Order
 - II. Roll Call
 - III. Approval of Agenda
 - IV. New Business
 1. **PUBLIC HEARING** – Variance Request for Uncle Benny’s Marketplace
 - V. Adjournment
-

PLANNING & ZONING AGENDA

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes:
 - a. August 11, 2021
 - b. September 15, 2021
- IV. Public Comments Regarding Items Not on the Agenda (limited to 3 minutes each)
- V. New Business
 - a. **PUBLIC HEARING** Final Subdivision Request for Uncle Benny’s Marketplace Resubdivision
 - b. Johnstown Area Comprehensive Plan - Presentation by Logan Simpson
- VI. Department Report
- VII. Commissioner Reports
- VIII. Adjournment

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Town of Johnstown

PLANNING & ZONING COMMISSION MEETING

7:00 PM, Wednesday, August 11, 2021

SUMMARY MINUTES

Meeting called to Order by Chair Weber at 7:01 P.M. Roll call attendance was taken; present were Commissioners Flores, Grentz, Kiovsky, Storms, and Weber.

Unanimous approval of Agenda.

There were no Public Comments on items not on the agenda.

The Commission approved the minutes for April 19, 2021 (5-0) and June 9, 2021 (4-0 / Storms Abstain).

CASE #ANX21-0002 Held Farm Annexation and Establishment of Zoning was opened for a Public Hearing and consideration by the Commission. Kim Meyer provided a Staff presentation of an overview of the 122-acre annexation and request to zone H-A and the staff memos to the Commission. Erik Halverson, Land Asset Strategies, was the Applicant representative in attendance to answer commission questions. The Commission had no questions.

Public Comment/Questions:

- Larry Williams, owner to the north. Wondered if the Town is annexing CR 48½, who would be responsible for maintaining. Who could he call with concerns? Also confirming no development plans currently? Meyer noted there are no development plans known. The road would be in the Town, and he could call the Town. The Town has maintenance agreements with the counties as to who maintains which portions of roads.
- Charles Tibble, owner to the north. Requested clarification on the process. And curious about location of future sanitary sewer. Meyer provided a brief response and process overview.

Public hearing was closed.

Motion to recommend Approval for the Annexation: C. Kiovsky / 2nd C. Grentz

Vote: 5-0

Motion to recommend Approval for the Establishment of Zoning: C. Grentz / 2nd C. Flores

Vote: 5-0

CASE #ANX21-0003 Whitehall Annexation and Establishment of Zoning was opened for a Public Hearing and consideration by the Commission. Kim Meyer provided a Staff presentation of an overview of the 240-acre annexation and request to zone PUD-MU, with future ODP to come, and the staff memos to the Commission. Todd Johnson, TerraForma, was the Applicant representative in attendance to answer commission questions. The Commission had no questions. There was no public comment.

Public hearing was closed.

Motion to recommend Approval for the Annexation: C. Grentz / 2nd C. Flores

Vote: 5-0

Motion to recommend Approval for the Establishment of Zoning: C. Grentz / 2nd C. Flores

Vote: 5-0

Kim Meyer gave a brief departmental report.

Adjournment at 8:55 PM.

Respectfully Submitted: Kim Meyer, Director

Bruce Weber, Chair



DRAFT



Town of Johnstown

PLANNING & ZONING COMMISSION MEETING

7:00 PM, Wednesday, September 15, 2021

SUMMARY MINUTES

Meeting called to Order by Chair Weber at 7:00. P.M.

Diana Seele, Town Clerk, was present to Swear-in new Commissioners: Jessica Salo, David Puccetti, and Scott Hayward. All took the oath of office and were duly sworn in.

Roll call attendance was taken: Present were Commissioners Grentz, Hayward, Puccetti, Salo, Storms, and Chairman Weber. Commissioner Flores was absent and excused.

Motion to approve the agenda as written. M: Grentz / 2nd: Hayward. Unanimous approval.

There were no Public Comments made about items not on the agenda.

Public Hearing was held for **Case# ZON21-0003 for Riverbend Estates Outline Development Plan**, a proposed residential development of 172.39 acres south of WCR 46 at the southwest corner of WCR 17, with proposed PUD-R (Residential) zoning district and an associated outline (master) development plan. This hearing included a proposed Change of Zoning from PUD-MU to PUD-R and an amended Outline Development Plan. Kristin Cote, Planner I, provided a Staff presentation and overview of the staff memo and the project to the Commission. Public comments received by staff thus far has centered around concerns related to development within the floodplain – one email comment from the Motts was delivered to the Commission at the hearing.

Lee Lowry (LL), Applicant, and Josh McCairn (JM), Fonterra Group, and Mary Wohnrade (MW), Wohnrade Partners, the engineer, were in attendance to make a presentation, as well, and answer questions.

Commission questions & Applicant responses:

- Floodplain questions? How much fill, how does that taper – to street?
 - MW: 6-8 feet of fill on the north to pull that out of the floodplain
 - 75-200,000 cu yds. of fill. Plan is to excavate along either side in the “overbanks” – lowers Base Flood elevation (BFE) and generates fill. No retaining walls.
 - C-LOMR is being reviewed by FEMA/CWCB currently. Used standard FEMA modeling
 - Proposed floodplain will not encroach on lots – they will be pulled out of 0.2% (500-yr) floodplain, which is a higher standard.
 - Avoiding grading in the main stream bed to protect Preble’s jumping mouse habitat – will be creating new ponds and wetlands to enhance habitat.

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- Lot grade difference is about 33', at finished grade, from Pioneer Ridge and the site.
- Grading impacts onto neighboring properties? Will not raise BFE, so will not create a higher impact on adjacent parcels. Wind property (to west) will be slightly lower adjacent to that parcel to the west. Also will help to avoid/mitigate overtopping of CR 46 in a flood event.
- Access onto CR 17 isn't most ideal location for an access. MW: situated as best we could between RR and bridge... with sight distance analysis, that location appears to be functional and safe.

Public comments:

- Dave Minor, 1662 Mallard Dr., questions the vehicle storage at the CR 17/46 intersection – and how the high school and other development in the area will impact the functionality of that eastern access. Concerned with raw water dedications.
- Eric Aakko, 1417 Mallard Dr. If there is another catastrophic flood, how would water and sewage be affected. Would that cause an impact to existing neighborhood? Timing on phases? Traffic concerns and expansion of CR 17
 - Around mouse habitat disturbance.
 - MW: Confirmed that utilities could not be tied into Pioneer Ridge; improvements should make the overall situation better.
- Paul Budoin(?), 1638 Mallard Dr. 2013 flood = lakefront property, major concerns with flooding.
- Jim Hatfield, 345 Hickory Ln.
 - Clarify impact on Preble's mouse and dredging the banks to lower the river. MW: Disturbance will stay outside the high/mod habitat areas, 30-100' from the river.
 - Note the 2013 flood.
- Kris Mott, 1602 Goldeneye Dr. Echoes concerns with floodplains. Paid extra for "cornfield views" on the ridge. Peaceful, dark, views. Will affect home value. School capacities impacted by all this development. Oppose south development phase.
- Mike Hausmann, 1740 Canvasback Dr. 2013 flood. What's the buffer from south lots to PR homes? MW: 50-300'
- Bruce Tharcyss(?) 1626 Mallard. Traffic concerns on Parish Ave with cumulative impacts from school and development.
- Beverly (?) 1746 Canvasback Dr. Will the hill east of ditch remain? Any grading? MW: Not modifying that area near the ditch.

Hearing was closed. Commissioners had no additional discussion.

Motion to Recommend approval for the Change in Zoning: C. Grentz / 2nd Pucetti

Vote: 6-0

Motion to Recommend Approval for the Outline Development Plan : C. Grentz / 2nd Pucetti

Vote 5-0, C. Salo Abstained.

Kim Meyer gave a brief departmental report.

The meeting was adjourned at 8:50 PM.

Respectfully Submitted: Kim Meyer, Director

Bruce Weber, Chair





Town of Johnstown

BOARD OF ADJUSTMENT AGENDA MEMORANDUM

ITEM: #1 Public Hearing for Variance for proposed lot two (2) of Uncle Benny's Marketplace Re-subdivision to allow for a platted lot that does not have direct access to a public right of way in the PUD-JC (Johnsons Corner) District.

PROJECT: Uncle Benny's Marketplace Re-subdivision

LOCATION: North side of Marketplace Dr., east of the Frontage Road

APPLICANT: Johnson-Taylor Family c/o Chauncey Taylor (owner)

STAFF: Kristin Cote, Planner I

HEARING DATE: September 29, 2021

BOARD OF ADJUSTMENT FUNCTION, RELATED TO VARIANCES:

Johnstown Municipal Code, Section 16-83 (3) *Variances*. To authorize upon appeal in specific cases such variances from the regulations or provisions of this Chapter as *will not be contrary to the public interest*, where due to special conditions a literal enforcement of the provisions of this Chapter *would result in unnecessary hardship*; so that the *spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done*.

This section of the Johnstown Municipal Code grants the Board of Adjustment significant latitude on interpretation and application of the Board's ability to vary from strict application of code regulations, with the ultimate intention being to ensure a reasonable application of said Code, while protecting both the broader public interest and the interest of affected properties.

ATTACHMENTS

- 1- Application
- 2- Vicinity Map
- 3- Final Plat
- 4- Variance Narrative
- 5- Johnson's Corner PUD Document

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EXECUTIVE SUMMARY

The Town of Johnstown is considering a request for a Variance to §16-124(c) of Municipal Code which states, “*Street access*. No lot shall hereafter be created or any building placed on a lot which does not abut on a public street or approved way except as hereinafter provided for planned unit developments.”

Applicant is proposing a re-subdivision of 18.450 acres of land within the Great Colorado Marketplace Subdivision. This replat is proposed to establish four (4) lots in which the uses will be allowed as per the Johnson’s Corner PUD document. Proposed Lot 2 does not abut a public street and requires that an easement be established to provide appropriate access to this lot. All other lots in this subdivision will directly abut a public street.

PROPERTY DATA

Location:	Lot 1, being a Replat of Lot 2 of the Replat of Lot 1 of Replat “A” of Lot 2 and Lot 2, Replat of Lot 2, Minor Re- Subdivision of Replat of Lot 2 of Replat of Lot 1 of Replat “A” of Lot 2, of the Amended Plat of Great Colorado Marketplace Subdivision (North of Marketplace Drive)
Property Size:	18.450 Acres /803,682 SF
Current Zoning/Land Use(s):	PUD-JC / Vacant lot
Surrounding Zoning/Land Uses:	North: PUD-JC – Commercial Use South: PUD-JC – Vacant Land East: PUD-MU – Vacant un-platted land West: PUD-JC – Commercial Use
Comprehensive Plan Designation:	Commercial Mixed Use

BACKGROUND

This property was annexed as part of the 237.58-acre Johnson’s Corner annexation in 1999 by Ordinance number 99-600, and subdivided into lots as The Great Colorado Marketplace in 2001. Replats of the Great Colorado Marketplace subdivision were completed in 2004 (Instrument # 20040055467), 2005 (Instrument # 20050108096), 2007 (Instrument # 20070055087), 2009 (Instrument # 20090049304) and 2012 (Instrument #20140056818).

COMPREHENSIVE PLAN REVIEW & ANALYSIS

GOAL CF 1. New development achieves the community’s goals and is consistent with the Town’s vision.

- Staff believes this variance will accomplish this goal because it allows for the contiguous, compact pattern of growth that was established in this general vicinity with the approval of the PUD-JC zoning and the Great Colorado Marketplace subdivision.

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GOAL MC 2. An adequate, efficient, safe and comprehensive transportation system integrating all modes of transportation

- Staff believes that by granting this variance, which will allow the subdivision to proceed, will assist in efficient transportation planning due to the fact that the owner is willing to dedicate right of way on the easterly property line to allow the Town the ability to rebuild and extend CR 3E as per Town Transportation plans.

MUNICIPAL CODE REVIEW & ANALYSIS

PUD-JC. This proposed Variance meets the standards of the land uses permitted in the Johnson's Corner PUD. While a variance is required as per 16-124(c) of Municipal Code, the owner is proposing a 50' wide easement for shared access to Lot 2. An ingress/egress easement is an appropriate way to permit access onto a property that does not abut onto a public right of way.

Variances. As this request relates to the section of the Johnstown Municipal Code that addresses Variances from the zoning ordinance - Section 16-83(3):

- To authorize upon appeal in specific cases such variances from the regulations or provisions of this Chapter as *will not be contrary to the public interest*,

Staff believes that the granting of this requested Variance will not harm the public interest.

- where due to special conditions a literal enforcement of the provisions of this Chapter *would result in unnecessary hardship*;

Staff does not believe that the lack of a Variance for this lot would meet this criterion as an unnecessary hardship, whereby the lot can still be developed without the establishment of a subdivision. However, Staff also recognizes that the impact of the market does significantly influence the evolution of development, and lots that were platted twenty (20) years ago may no longer adequately meet the current market needs.

- so that the *spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done*.

Staff believes that the spirit of the Chapter is being met. Staff anticipates no adverse impacts to safety, property values, or the general community – and believes that this subdivision will seamlessly integrate into the Great Colorado Marketplace subdivision area.

Sec. 16-1. Declaration of purpose.

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. To these ends such regulations have been prepared and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the

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value of buildings; to encourage the most appropriate use of land; and to otherwise provide for the growth of an orderly and viable community.

APPLICANT REQUEST & RESPONSE: The applicant has not submitted the necessary construction documents to prove the above-mentioned statement, although given the area Staff is confident the property will be able to be developed in a suitable and proper fashion. Staff has required a note on the proposed plat which states "Please note no construction drawings have been reviewed or approved by the Town in regards to this subdivision. These lots will be considered un-buildable until such a time as construction drawings have been reviewed and approved by the Town for any lot proposing development. Said plans and development shall meet the Town requirements in place at such time as said development is proposed." The owner is amenable to this note and aware that future development will require the submittal of all reports and documents to ensure adequate access to transportation, water, sewer, and other development requirements.

COMMUNITY / NEIGHBORHOOD RESPONSE

This public hearing was noticed in the Johnstown Breeze on Thursday, September 9, 2021. This notice provided the date, time, and location of the Board of Adjustment hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a vicinity map and the proposed subdivision map. No neighborhood meeting was required.

Neighborhood: The proposed variance will not negatively impact the surrounding land uses.

Architecture: Unknown

Traffic Impact: The proposed variance will not negatively impact the flow of traffic through the neighborhood.

Stormwater Management / Floodplain: No impact. Not in a floodplain.

STAFF SUMMARY

Staff believes that this Variance request meets two of the three criteria established in §16-83(3), meets all other Town standards and regulations, and does not pose a significant detriment to the neighborhood or community.

STAFF RECOMMENDATION

Approval

RECOMMENDED PLANNING COMMISSION FINDINGS AND MOTIONS

Based on the application received and the preceding analysis, the Planning & Zoning Commission finds that the proposed request for a Variance to Chapter 16-124(c) which states "*Street access*. No lot shall hereafter be created or any building placed on a lot which does not abut on a public street or approved way except as hereinafter provided for planned unit developments." to allow for the development of the Uncle Benny's Marketplace Re-subdivision in which lot two (2) does not abut a

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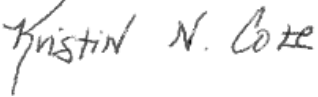
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public right of way meets all other Town standards and requirements, is not contrary to the public interest, observes the spirit of Chapter 16 of the Municipal Code, and ensures that substantial justice is done, and therefore moves to APPROVE the Variance as presented.

ALTERNATE MOTIONS

- A. Motion to Approve with Conditions: "I move that the Commission approve the Variance to Chapter 16-124(c) of Municipal Code, with the following condition(s):"
- B. Motion to Deny: "I move that the Commission deny the Variance request to Chapter 16-124(c) for the following reasons..."

Planner:



Kristin Cote
Planner I

Reviewed by:



Kim Meyer
Planning & Development Director

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Town of Johnstown

LAND USE APPLICATION

Project Name: **Benny 2**

Description: **Lot Variance of Larimer County Parcel Id Numbers 8535214001 and 8535215002**

Land Use: ☐ Site Development Plan ☐ Use by Special Review ☐ Conditional Use Grant ☐ Annexation ☐ Variance

Amendment: ☐ Land Use Code ☐ Zoning District ☐ Comprehensive Land Use Plan

Subdivision: ☐ Replat/Minor ☐ Preliminary ☐ Final ☐ Combined Prelim/Final

PUD: ☐ Outline/ODP ☐ Prelim/PDP ☐ Final/FDP

Zoning: ☐ Establish Zoning ☐ Rezone

Wireless: ☐ Small Cell ☐ EFR ☐ Alt. Tower ☐ Base Station ☐ Tower/Other

Construction: ☐ Early Grading ☐ Amend CDs ☐ Separate Utility &/or Road Plans

Site Address or Parcel #: **Parcel Id Numbers 8535214001 and 8535215002**

Applicant/Project Owner: _____

Applicant Address: _____

Email: _____ Telephone: _____

Consultant /Representative: **Jason Hepp - Aegis Construction Management, LLC**

Consultant Address: **433 5th ST Frederick, CO 80530**

Email: **jason@blackfoxr3.com** Telephone: **303 902 5302**

Landowner Authorization to Proceed with Land Use Action: (Required)

The undersigned (1) affirms ownership or authorized representation thereof of the subject property, and (2) hereby authorizes the individuals or entities listed herein as "applicant" and/or "authorized representative" to represent me/us in all aspects of the land use process for the project being submitted with this application. ☐ Please keep me informed of the status and progress of this project via email at the address below. ☐ I do NOT want to be updated on this project. (To modify this request, contact Planning@TownofJohnstown.com)

Landowner(s): **JOHNSON-TAYLOR FAMILY - Chauncey Taylor**

Email: **jcorner1@juno.com** Telephone: **970-481-5333**

Signature of Landowner

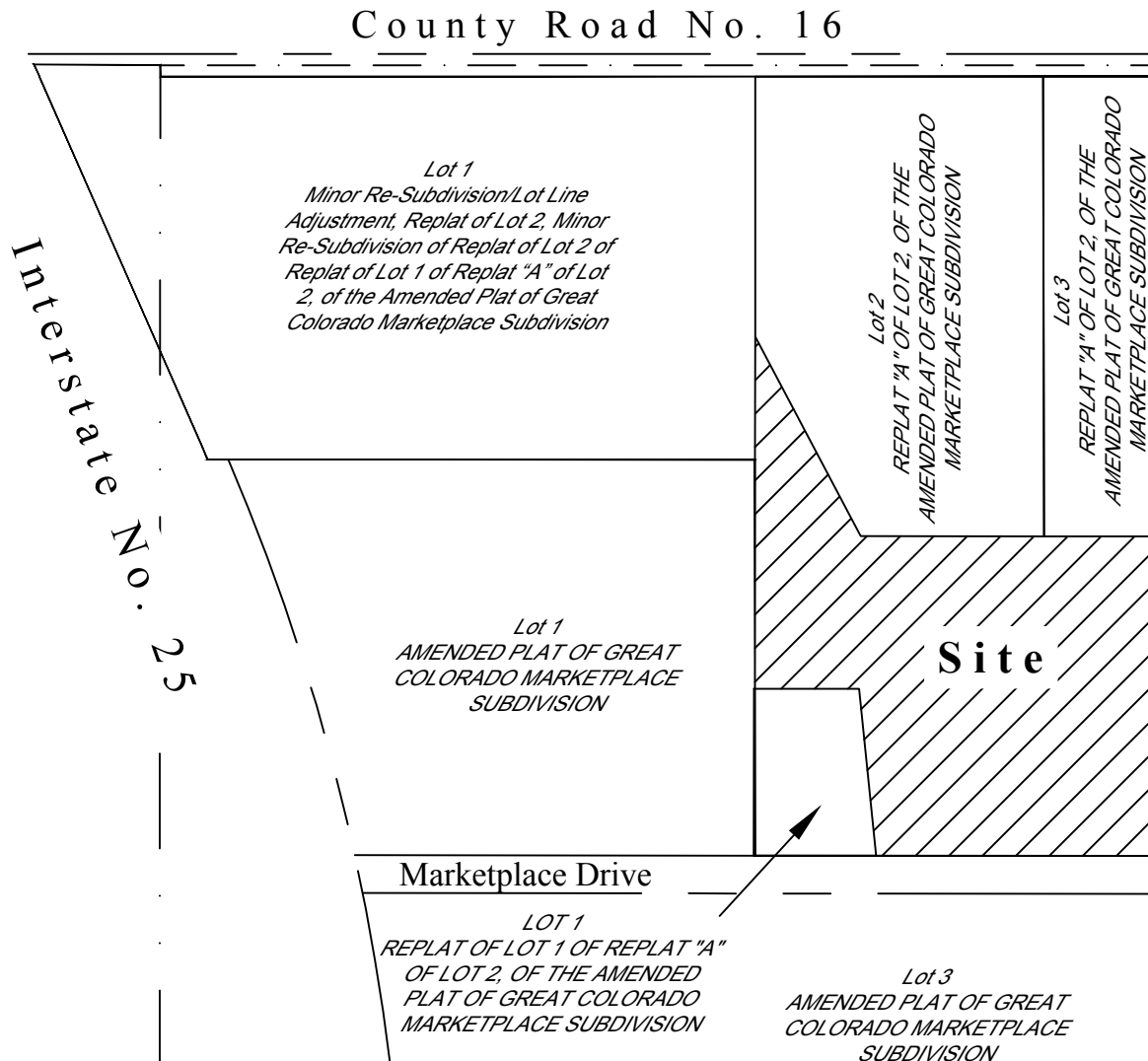
Signature of Landowner

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Vicinity Map



/Users/bryan/Downloads/13046d009b.dwg August 03, 2021 - 4:01pm

#	Date	Revisions	Field Date n/a	Prepared for:	Project#: 13046.009
			Party Chief n/a	Uncle Benny's Building Supplies LLC <div style="display: flex; justify-content: space-between;"> <div>  </div> <div> PLS Corporation 532 West 66th Street Loveland, Colorado 80538 Office 970.669.2100 - Info@plscorporation.com </div> <div>  </div> </div>	
			Survey Tech n/a		
			Proj. Manager MBS		

Variance Narrative
(Explain Access and property Abutting public road)

We are requesting a Variance to that Chapter 16 requirement (§16-124(c)):

“*Street access.* No lot shall hereafter be created or any building placed on a lot which does not abut on a public street or approved way except as hereinafter provided for planned unit developments.

Lot 4 has a flagpole that provides it direct access off of Marketplace drive, however Lot 2 is provided access through a platted access easement and does not directly connect to Market Place Drive. We believe that this condition is consistent with the spirit of the code.

UNCLE BENNY'S MARKETPLACE RE-SUBDIVISION

Being a Replat of
LOT 1, MINOR RE-SUBDIVISION, BEING A REPLAT OF LOT 2 OF THE REPLAT OF LOT
1 OF REPLAT "A" OF LOT 2, OF THE AMENDED PLAT OF GREAT COLORADO
MARKETPLACE MINOR RE-SUBDIVISION

and
LOT 2, MINOR RE-SUBDIVISION / LOT LINE ADJUSTMENT, REPLAT OF LOT 2, MINOR
RE-SUBDIVISION OF REPLAT OF LOT 2 OF REPLAT OF LOT 1 OF REPLAT "A" OF LOT
2, OF THE AMENDED PLAT OF GREAT COLORADO MARKETPLACE SUBDIVISION,
Located in the Northwest 1/4 of Section 35, Township 5 North, Range 68 West of the 6th
Principal Meridian, Town of Johnstown, Larimer County, Colorado

Ownership and Dedication:

Know all men by these presents that the undersigned, being the owners, and/or lien holder of that part of the Northwest 1/4 of Section 35,
Township 5 North, Range 68 West of the 6th Principal Meridian, Larimer County, Colorado, being more particularly described as follows:

Lot 1, Minor Re-Subdivision, being a Replat of Lot 2 of the Replat of Lot 1 of Replat "A" of Lot 2, of the Amended Plat of Great Colorado
Marketplace Minor Re-Subdivision, County of Larimer, State of Colorado
and
Lot 2, Minor Re-Subdivision/Lot Line Adjustment, Replat of Lot 2, Minor Re-Subdivision of Replat of Lot 2 of Replat of Lot 1 of Replat "A" of Lot
2, of the Amended Plat of Great Colorado Marketplace Subdivision, County of Larimer, State of Colorado.

Containing 18.450 acres (more or less) being subject to any easements or right of ways of record:
have by these presents caused the same to be surveyed and subdivided into lots to be known as Minor Re-Subdivision, being a UNCLE
BENNY'S MARKETPLACE RE-SUBDIVISION forever hereafter the streets are laid out and designated on this plat and do also reserve
perpetual easements for the installation and maintenance of utilities and for irrigation and drainage facilities as are laid out and designated on
this plat,
witness our hands and seals this ____ day of _____, 20__.

Owner: _____
Johnson - Taylor Family Properties, LLLP

State of Colorado)
JSS
County of)

The foregoing dedication was acknowledged before me this this ____ day of _____, 20__, by _____.

My commission expires _____ Notary Public

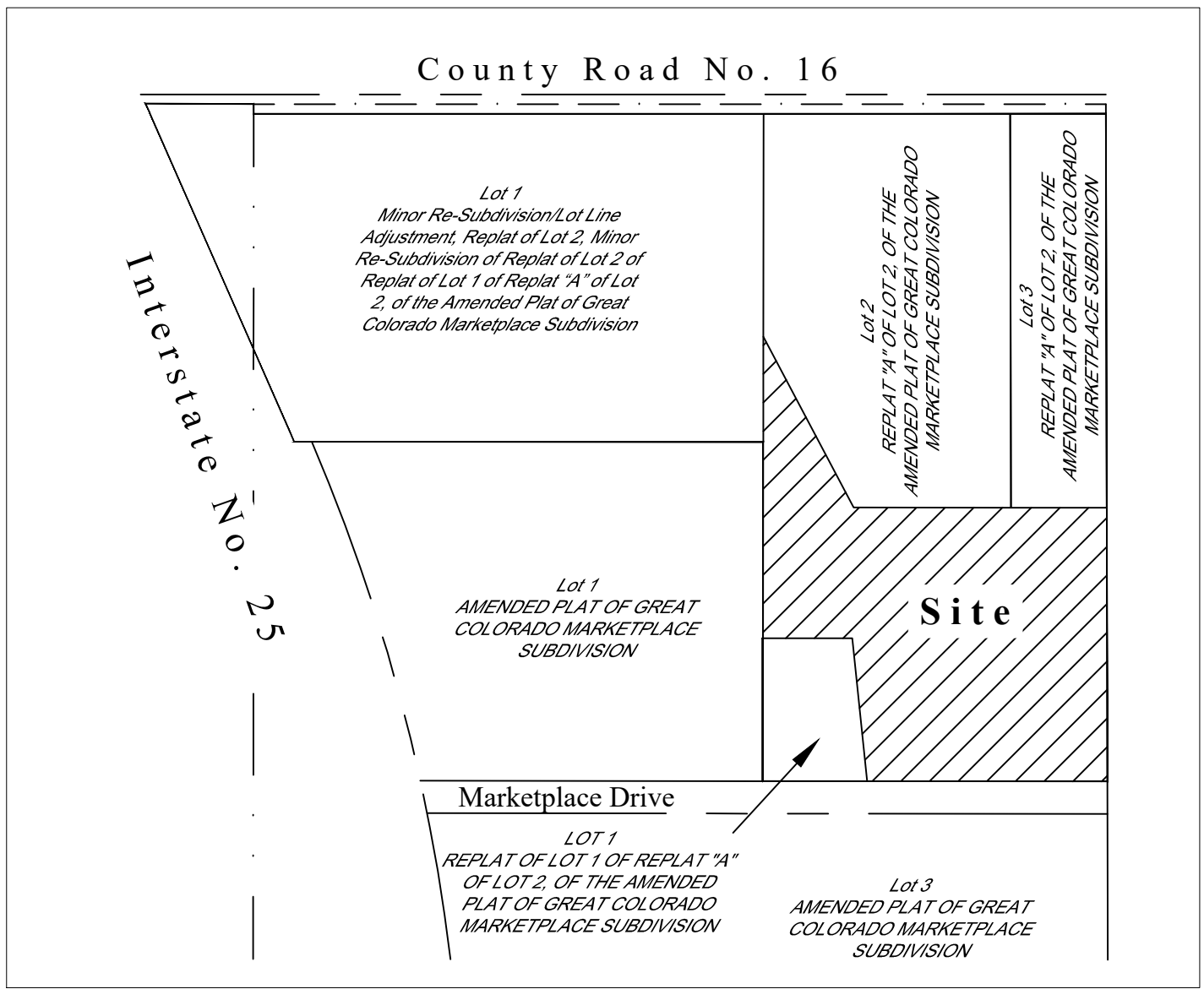
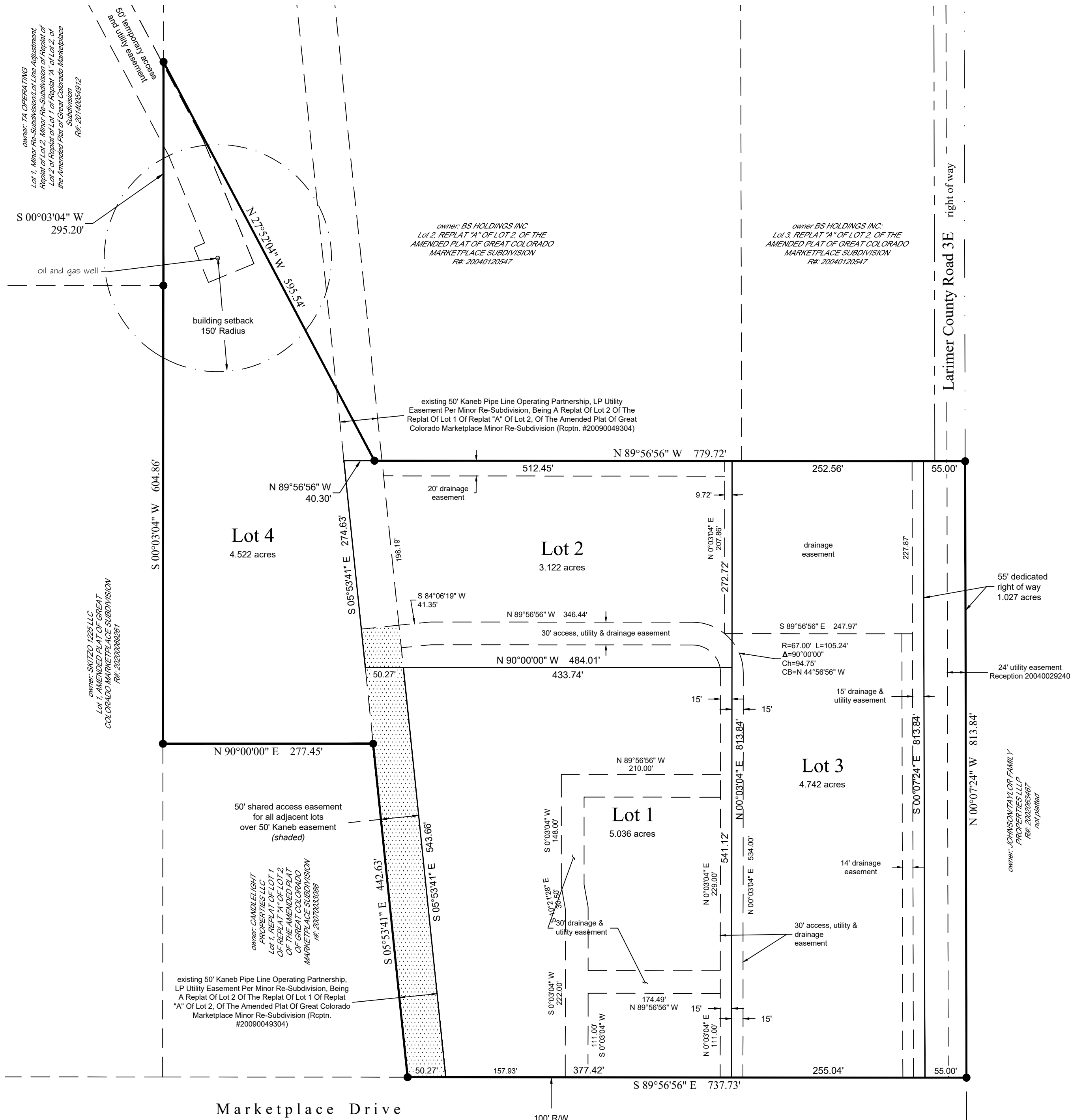
TOWN COUNCIL:

This plat, to be known as UNCLE BENNY'S MARKETPLACE MINOR RE-SUBDIVISION, is approved and accepted by the Town of
Johnstown, by Resolution Number _____, passed and adopted on final reading at a regular meeting of the Town
Council of the Town of Johnstown, Colorado held on the ____ day of _____, 20__.

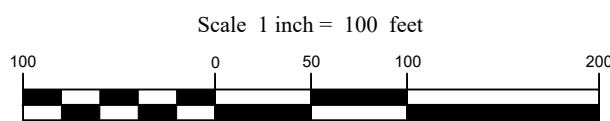
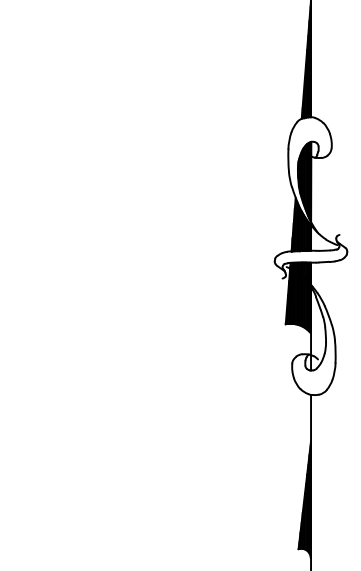
By: _____ Attest: _____
Mayor Town Clerk

Notes:

- Distances shown are in U.S. Survey Feet
- The total area contains 18.450 acres, more or less.
- No construction drawings have been reviewed or approved by the
Town in regards to this subdivision. These lots will be considered
un-buildable until such a time as construction drawings have been
reviewed and approved by the Town for any lot proposing
development. Said plans and development shall meet the Town
requirements in place at such time as said development is proposed.



Vicinity Map
1" = 500'



Legend

- ▲ denotes found 1/2" rebar with 1" plastic cap marked "LS 16415"
- denotes found 1/2" rebar with 1" plastic cap marked "PLS 32444"
- denotes easement
- denotes Lot line
- denotes boundary line
- denotes right of way line

SURVEYOR'S STATEMENT

I, M. Bryan Short, a Colorado Registered Professional Land Surveyor, do
hereby state that this Minor Re-Subdivision truly and correctly represents
the results of a survey made by me or under my direct supervision.

Colorado Registered Land Surveyor #32444

NOTICE: According to Colorado law you must commence any legal
action based upon any defect in this survey within three years after you
first discover such defect. In no event, may any action based upon any
defect in this survey be commenced more than ten years from the date
of the certification shown hereon.

REVISIONS			PLS Corporation			Final Subdivision Plat - Minor Re-Subdivision			PROJECT NO.			SHEET NO.			NO. OF SHEETS		
Date	By	Description	Party Chief	Print Date	Uncle Benny's Building Supplies LLC	Date	By	Description	13046.009	1	1	Date	By	Description	1	1	1
Date	By	Description	Party Chief	Print Date	Uncle Benny's Building Supplies LLC	Date	By	Description	13046.009	1	1	Date	By	Description	1	1	1
Date	By	Description	Party Chief	Print Date	Uncle Benny's Building Supplies LLC	Date	By	Description	13046.009	1	1	Date	By	Description	1	1	1

PUD-JC (Johnson's Corner) List of Land Uses.
Only document defining this PUD district.

EXHIBIT B

LAND USES

Subject to site plan approval by the Town, the following uses shall be permitted: residential (no more than 30 acres of total property) truck services, truck stops, truck wash and lubes, RV parks, manufactured housing and RV dealerships, restaurants, food courts, liquor stores and taverns, entertainment uses such as go-carts, miniature golf, trout ponds, indoor and outdoor amphitheaters, big box retail, tourist village shops, indoor and outdoor fleas markets, factory outlet stores, marketplaces, farmers' markets, shopping centers, grocery stores, auction facilities, outdoor storage, mini storage, small amusement parks, light industrial, distribution facilities, warehouses, multistory office buildings, gas stations and convenience stores, hotels, motels, and car dealerships.



Town of Johnstown

PLANNING & ZONING COMMISSION MEETING

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Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

ITEM:	Public Hearing and Consideration of Final Subdivision Plat of Uncle Benny's Marketplace Re-subdivision.
DESCRIPTION:	Proposed re-subdivision to establish a four (4) lot plat on 18.450 acres which will allow for the uses as per the Johnson's Corner PUD Land Use document.
LOCATION:	North side of Marketplace Dr., east of the Frontage Road
APPLICANT:	Johnson-Taylor Family c/o Chauncey Taylor (owner)
STAFF:	Kristin Cote, Planner I
HEARING DATE:	September 29, 2021

ATTACHMENTS

- 1- Application
- 2- Vicinity Map
- 3- Final Plat
- 4- Johnson's Corner PUD Document

BACKGROUND & SUMMARY

The applicant, Johnson-Taylor Family c/o Chauncey Taylor, is requesting consideration of a four (4) lot re-subdivision of 18.450 acres of land within the Great Colorado Marketplace Subdivision. This subdivision would allow the uses as per the Johnson's Corner PUD document. Proposed lot two (2) does not abut a public street and requires that an easement be established to provide appropriate access to this lot. All other lots in this subdivision will directly abut a public street, and adequate right-of-way will be dedicated with this plat for expansion of the street network in this area of Johnstown.

The subject property is bordered on all sides by land within the Town of Johnstown. All the contiguous land within Town limits is zoned PUD-JC (Johnson's Corner) with the exception of the land to the east which is zoned PUD-Mixed Use (MU).

The surrounding land uses are primarily commercial in nature. The exception to this is the land to the east which is currently undeveloped.

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HISTORY

This property was annexed as part of the 237.58-acre Johnson's Corner annexation in 1999 by Ordinance number 99-600, and subdivided into lots as The Great Colorado Marketplace in 2001. Replats of the Great Colorado Marketplace subdivision were completed in 2004 (Instrument #20040055467), 2005 (Instrument #20050108096), 2007 (Instrument #20070055087), 2009 (Instrument #20090049304) and 2012 (Instrument #20140056818).

NOTICE

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, September 9, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a vicinity map and the proposed subdivision map. No neighborhood meeting was required.

ANALYSIS

GOAL CF 1. New development achieves the community's goals and is consistent with the Town's vision.

- Staff believes this subdivision will accomplish this goal because it allows for the contiguous, compact pattern of growth that was established in this general vicinity with the approval of the PUD-JC zoning and the Great Colorado Marketplace subdivision.

GOAL MC 2. An adequate, efficient, safe and comprehensive transportation system integrating all modes of transportation

- Staff believes that this subdivision will assist in efficient transportation planning due to the fact that additional right of way will be dedicated with the plat on the easterly property line to allow the Town the ability to rebuild and extend CR 3E as per Town transportation plans.

Zoning

The current zoning for the property is PUD-JC as was established in 1999. The applicant requests that zoning designation be continued going forward.

APPLICANT REQUEST & RESPONSE: The applicant has not submitted the necessary construction documents to allow for the lots to be given full approval for construction, Staff feels confident the property will be able to be developed in a suitable and proper fashion. Staff has required a note on the plat which states "Please note no construction drawings have been reviewed or approved by the Town in regards to this subdivision. These lots will be considered un-buildable until such a time as construction drawings have been reviewed and approved by the Town for any lot proposing development. Said plans and development shall meet the Town requirements in place at such time as said development is proposed." The owner is amenable to this note and aware that future development will require the submittal of all reports and documents to ensure adequate access to transportation, water, sewer, and meet all other development requirements.

A Variance (VAR21-0001) was also requested as part of this subdivision application, and was considered by the Board of Adjustment. This subdivision, as presented, is contingent upon approval of that Variance.

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Staff Concerns

Staff has no outstanding concerns.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

It is recommended that Planning and Zoning Commission send a recommendation for Approval with Conditions to Town Council that the requested subdivision of Uncle Benny's Marketplace Re-subdivision be approved based upon the following findings:

1. The proposed subdivision is consistent with the Town of Johnstown Comprehensive Plan.
2. The proposed subdivision will allow the developer to pursue purchase and subsequent development of this property, with all necessary plans and reports to complete the Town's process and meet the subdivision requirements of the municipal code prior to construction.

Recommended Motion

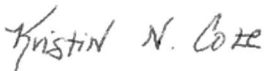
Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request for the Uncle Benny's Marketplace Re-subdivision final plat furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council Approval with Conditions of the Uncle Benny's Marketplace Re-subdivision based upon the findings as stated in the staff report, and the following conditions:

1. Prior to construction of any public or private development improvements, Town-approval of all required plans, reports, and permits shall be obtained.
2. A development agreement shall be entered into with the Town that states and clarifies basic developer obligations, and may be amended with more complete development details and special provisions as those become known through subsequent development review. This agreement will be recorded with the plat.

Alternate Motions

- A. Motion to Approve with no Conditions: "I move that the Commission recommend to Town Council approval of Uncle Benny's Marketplace Re-subdivision final plat , as presented."
- B. Motion to Deny: "I move that the Commission recommend to the Town Council denial of the Uncle Benny's Marketplace Re-subdivision final plat based upon the following..."

Planner:


Kristin Cote, Planner

Reviewed by:


Kim Meyer, Planning & Development Director

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Town of Johnstown

LAND USE APPLICATION

Project Name: **Benny 2**

Description: **Lot Variance of Larimer County Parcel Id Numbers 8535214001 and 8535215002**

Land Use: ☐ Site Development Plan ☐ Use by Special Review ☐ Conditional Use Grant ☐ Annexation ☐ Variance

Amendment: ☐ Land Use Code ☐ Zoning District ☐ Comprehensive Land Use Plan

Subdivision: ☐ Replat/Minor ☐ Preliminary ☐ Final ☒ Combined Prelim/Final

PUD: ☐ Outline/ODP ☐ Prelim/PDP ☐ Final/FDP

Zoning: ☐ Establish Zoning ☐ Rezone

Wireless: ☐ Small Cell ☐ EFR ☐ Alt. Tower ☐ Base Station ☐ Tower/Other

Construction: ☐ Early Grading ☐ Amend CDs ☐ Separate Utility &/or Road Plans

Site Address or Parcel #: **Parcel Id Numbers 8535214001 and 8535215002**

Applicant/Project Owner: _____

Applicant Address: _____

Email: _____ Telephone: _____

Consultant /Representative: **Jason Hepp - Aegis Construction Management, LLC**

Consultant Address: **433 5th ST Frederick, CO 80530**

Email: **jason@blackfoxr3.com** Telephone: **303 902 5302**

Landowner Authorization to Proceed with Land Use Action: (Required)

The undersigned (1) affirms ownership or authorized representation thereof of the subject property, and (2) hereby authorizes the individuals or entities listed herein as "applicant" and/or "authorized representative" to represent me/us in all aspects of the land use process for the project being submitted with this application. ☐ Please keep me informed of the status and progress of this project via email at the address below. ☐ I do NOT want to be updated on this project. (To modify this request, contact Planning@TownofJohnstown.com)

Landowner(s): **JOHNSON-TAYLOR FAMILY - Chauncey Taylor**

Email: **jcorner1@juno.com** Telephone: **970-481-5333**

Signature of Landowner

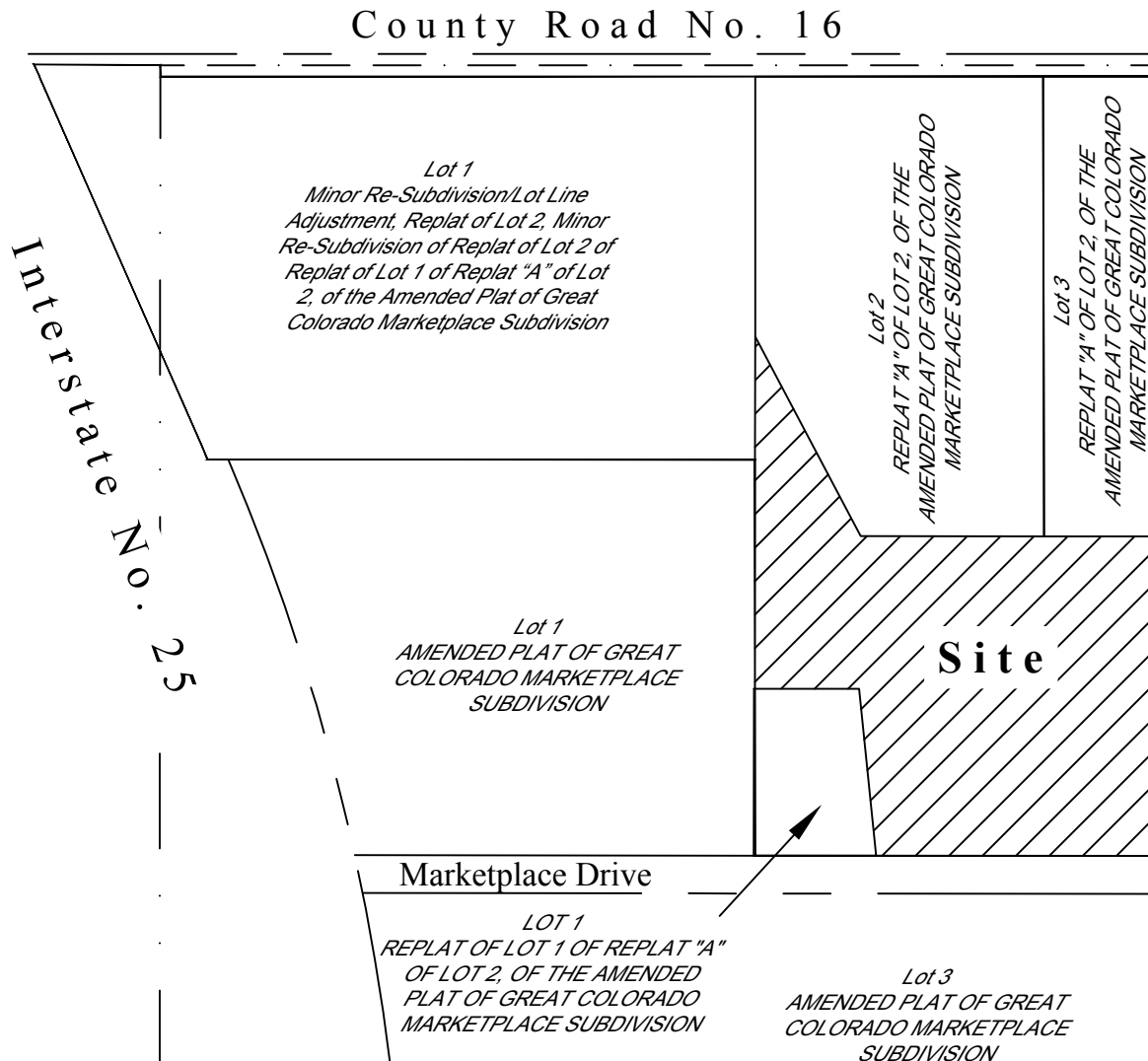
Signature of Landowner

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Vicinity Map



/Users/bryan/Downloads/13046d009b.dwg August 03, 2021 - 4:01pm

#	Date	Revisions	Field Date n/a	Prepared for:	Project#: 13046.009
			Party Chief n/a	Uncle Benny's Building Supplies LLC <div style="display: flex; justify-content: space-between;"> <div> PLS Corporation 532 West 66th Street Loveland, Colorado 80538 Office 970.669.2100 - Info@plscorporation.com </div> <div> </div> </div>	
			Survey Tech n/a		
			Proj. Manager MBS		

Being a Replat of
LOT 1, MINOR RE-SUBDIVISION, BEING A REPLAT OF LOT 2 OF THE REPLAT OF LOT
1 OF REPLAT "A" OF LOT 2, OF THE AMENDED PLAT OF GREAT COLORADO
MARKETPLACE MINOR RE-SUBDIVISION

Ownership and Dedication:

Lot 1, Minor Re-Subdivision, being a Replat of Lot 2 of the Replat of Lot 1 of Replat "A" of Lot 2, of the Amended Plat of Great Colorado Marketplace Minor Re-Subdivision, County of Larimer, State of Colorado
and
Lot 2, Minor Re-Subdivision/Lot Line Adjustment, Replat of Lot 2, Minor Re-Subdivision of Replat of Lot 2 of Replat of Lot 1 of Replat "A" of Lot 2, of the Amended Plat of Great Colorado Marketplace Subdivision, County of Larimer, State of Colorado.

Containing 18.450 acres (more or less) being subject to any easements or right of ways of record; and by these presents causing the same to be surveyed and subdivided into lots to be known as Minor Re-Subdivision, being a UNCLE BENNY'S MARKETPLACE RE-SUBDIVISION forever hereafter the streets as are laid out and designated on this plat and do also reserve perpetual easements for the installation and maintenance of utilities and for irrigation and drainage facilities as are laid out and designated on this plat.

witness our hands and seals this ____ day of _____, 20__.

State of Colorado)
)SS
 County of)

The foregoing dedication was acknowledged before me this this _____ day of _____, 20____, by _____

My commission expires _____ Notary Public _____

TOWN COUNCIL

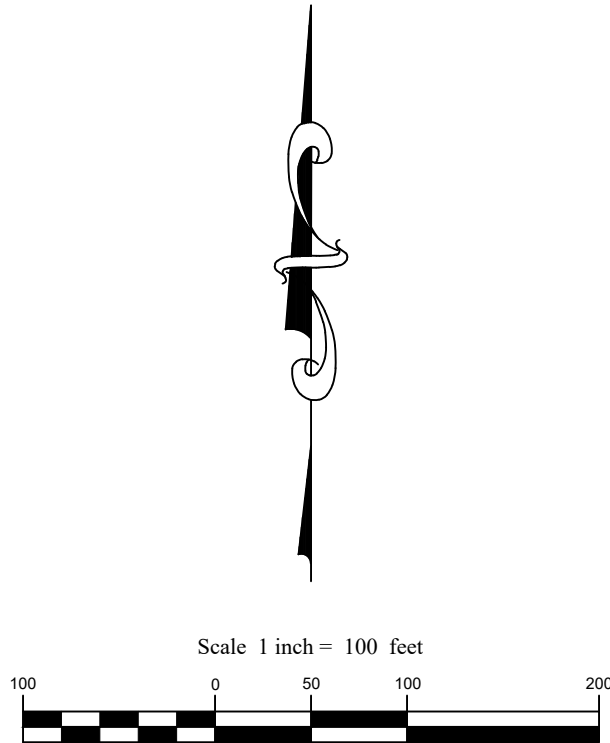
This plat, to be known as **UNCLE BENNY'S MARKETPLACE MINOR RE-SUBDIVISION**, is approved and accepted by the Town of Johnstown, by Resolution Number _____, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado held on the _____ day of _____, 20____.

By: _____ Attest: _____
Mayor Town Clerk







Notes:

-
- County Road No. 16
- Interstate No. 25
- Lot 1
Minor Re-Subdivision of Lot Line
Adjustment, Replat of Lot 2, Minor
Re-Subdivision of Replat of Lot 2 of
Replat of Lot 1 of Replat "A" of Lot
2 of the Amended Plat of Great
Colorado Marketplace Subdivision
- REPLAT 1, Lot 2
OF LOT 2 OF THE
AMENDED PLAT OF GREAT COLORADO
MARKETPLACE SUBDIVISION
- Lot 3
REPLAT 1 OF LOT 2 OF THE
AMENDED PLAT OF GREAT COLORADO
MARKETPLACE SUBDIVISION
- LOT 1
AMENDED PLAT OF GREAT
COLORADO MARKETPLACE
SUBDIVISION
- Site
- Marketplace Drive
- LOT 1
REPLAT OF LOT 1 OF REPLAY "A"
OF LOT 2 OF THE AMENDED
PLAT OF GREAT COLORADO
MARKETPLACE SUBDIVISION
- Lot 3
AMENDED PLAT OF GREAT
COLORADO MARKETPLACE
SUBDIVISION

Vicinity Map
1" = 500'



Legend



-  denotes found 1/2" rebar with 1" plastic cap marked "LS 16415"
 denotes found 1/2" rebar with 1" plastic cap marked "PLS 32444"
 denotes easement
 denotes Lot line
 denotes boundary line
 denotes right of way line

SURVEYOR'S STATEMENT

I, M. Bryan Short, a Colorado Registered Professional Land Surveyor, do hereby state that this Minor Re-Subdivision truly and correctly represents the results of a survey made by me or under my direct supervision.

Colorado Registered Land Surveyor #32444

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

REVISIONS Date _____ By _____ Description _____ Date _____ By _____ Description _____ Date 9.7.2021 By mbs Description revised per 8-3-2021 redlines			Field Date n/a ST n/a Party Chief n/a PM BAB Print Date September 10, 2021 PLS MBS			CLIENT Uncle Benny's Building Supplies LLC			 PLS Corporation 532 West 66th Street, Loveland, Colorado 80538 Phone: 970.669.2100 - Info@plscorporation.com			 TITLE Final Subdivision Plat - Minor Re-Subdivision UNCLE BENNY'S MARKETPLACE Section 35, Township 5 North, Range 68 West, 6th P.M., Larimer County, Colorado			PROJECT NO. 13046.009	SHEET NO. 1	NO. OF SHEETS 1
--	--	--	--	--	--	--	--	--	---	--	--	--	--	--	--	------------------------------	----------------------------------

Variance Narrative
(Explain Access and property Abutting public road)

We are requesting a Variance to that Chapter 16 requirement (§16-124(c)):

“*Street access.* No lot shall hereafter be created or any building placed on a lot which does not abut on a public street or approved way except as hereinafter provided for planned unit developments.

Lot 4 has a flagpole that provides it direct access off of Marketplace drive, however Lot 2 is provided access through a platted access easement and does not directly connect to Market Place Drive. We believe that this condition is consistent with the spirit of the code.

5/20

EXHIBIT B

LAND USES

Subject to site plan approval by the Town, the following uses shall be permitted: residential (no more than 30 acres of total property) truck services, truck stops, truck wash and lubes, RV parks, manufactured housing and RV dealerships, restaurants, food courts, liquor stores and taverns, entertainment uses such as go-carts, miniature golf, trout ponds, indoor and outdoor amphitheaters, big box retail, tourist village shops, indoor and outdoor fleas markets, factory outlet stores, marketplaces, farmers' markets, shopping centers, grocery stores, auction facilities, outdoor storage, mini storage, small amusement parks, light industrial, distribution facilities, warehouses, multistory office buildings, gas stations and convenience stores, hotels, motels, and car dealerships.